

SLARSKEY LLC



David Slarskey
(212) 658-0661
767 Third Ave, 14th Fl
New York, NY 10017

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BY NYSCEF

Hon. Vernon S. Broderick
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Barnes v. Block, et. al.*, No. 22-cv-7236 (VSB)(RWL)

Dear Judge Broderick

We represent Plaintiff Kevin Barnes in the above-referenced case and write in response to the June 29, 2023 letter filed by Defendants in this action. (Doc. 34.)

Defendants' letter is curious in that it does not ask for any relief. It does, however, demonstrate Defendants' desperate desire to avoid this District, where they clearly do not want to litigate. After being sued by Mr. Barnes in this Court, Defendants improperly filed their compulsory counterclaims in a copycat suit in the Western District of Texas, even though there is no conceivable basis for asserting personal jurisdiction over Mr. Barnes there. For obvious reasons, the Magistrate Judge recommended dismissal of that action, in a thorough debunking of Block's specious allegations and legal arguments. (*See Ex. 1.*)

Having been stymied in Texas, Mr. Block has now refiled essentially the same complaint that failed in Texas, and which contains the same compulsory counterclaims that should have been filed here. As Mr. Block appears willing to travel 1,700 miles north from Texas to Philadelphia, it is unclear why he cannot come 90 miles further to this Court, file his compulsory counterclaims here (where they should have been filed in the first place), and proceed before Your Honor. Apparently Mr. Block comes to New York for television appearances, but not for the jurisdiction of this Court.

To be clear, even though Mr. Block has not expressly requested a transfer (nor cited any legal standard that would justify such action), Mr. Barnes does not consent to the transfer of his complaint to the Eastern District of Pennsylvania.

We look forward to proceeding before Your Honor.

Respectfully submitted

David Slarskey